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11 Attorneys for Defendants

12 **IN THE  
13 UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN MARIANA ISLANDS**

15 **EMERENCIANA PETER-PELICAN ) CIVIL ACTION NO. 07-0022**

16 **Plaintiff,**

17 **v.**

18 **GOVERNMENT OF THE  
19 COMMONWEALTH OF THE  
20 and TIMOTHY VILLAGOMEZ,  
21 in his official and individual capacities,**

22 **Defendants**

23 **DECLARATION OF  
24 DAVID LOCHABAY**

25 **COMES NOW** David Lochabay, who would now declare as follows:

26 “My name is David Lochabay. I am over the age of majority, have never been convicted of a  
27 felony, am otherwise fully competent to make this Declaration, and would testify to the matters  
28 contained herein in a court of law if called upon to do so.

29 “I am employed as an Assistant Attorney General by the Commonwealth of the Northern Mariana  
30 Islands. As part of my duties I have been assigned to represent the Commonwealth and Timothy  
31 Villagomez in the above styled and numbered cause.

32 “On February 1, 2008, I caused to be e-filed Defendants’ Memorandum of Law in Support of  
33 Defendants’ Opposition to Plaintiff’s Motion for Partial Summary Judgment and Cross-Motion for  
34 Summary Judgment. The Memorandum was created in Wordperfect format. During the e-filing process  
35 within the Attorney General’s office the Memorandum was converted to Word format. This conversion  
36 was accompanied by errors of typeface and spacing, and resulted in a document which looks

1 unprofessional and was not in conformance with the Local Rules of the United States District Court for  
2 the Northern Mariana Islands. This is the Memorandum which was actually e-filed.

3 "I have prepared an Errata which replaces the incorrect Memorandum with the original  
4 Memorandum.

5 "I have discussed this matter with Douglas F. Cushnie, attorney for Plaintiff, and he has no  
6 objection to substituting the original Memorandum for the filed Memorandum.

7 "I swear under penalty of perjury that the above and foregoing is true and correct, that I have  
8 personal knowledge of the facts contained above, and that I execute this Declaration on the island of  
9 Saipan, Commonwealth of the Northern Mariana Islands, this 4th day of February, 2008."

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*/s/ David Lochabay*  
David Lochabay #F0305  
Assistant Attorney General  
Attorney for Defendants

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